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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,370	11/03/2000	Len L. Mizrah	AIDT 1000-1	6463
22470	7590	03/02/2006	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,370

Applicant(s)

MIZRAH, LEN L.

Examiner

Ella Colbert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____: |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 45-55 are pending in this communication filed 12/14/05 entered as Response After Non-Final Action (Informal or Non-Responsive Amendment).
2. The Notice of Non-compliant Amendment has been overcome by Applicant's cancellation of claims 56 and 57 and is hereby withdrawn. The Response to the Election Restriction filed 04/20/05 has been entered.
3. The objection to the Abstract has been overcome by Applicants' amendment to the Abstract and is hereby withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 45, lines 11-15 recites "matching the authorization record with the authentication record using the computer-based data processing system to determine whether the presented transaction signature matches the authenticated transaction signature for the predicted transaction, the actual transaction amount matches the predicted transaction amount and the actual transaction time matches the transaction time parameter". This claim limitation is very confusing and unclear as written.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 45, 49, 51, and 55 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular,

A. Claim 45 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The preamble of the claim refers to a method and a computer-based data processing system, but the body of the claim discusses first a method (i.e., establishing an authentication record, establishing an authorization record, matching the authorization record with the authentication record, and reconciling the predicted transaction), and subsequently the claim then deals with the specifics of a system (ex. the computer-based data processing system). There is some confusion as to whether the claim is a method claim or a system claim. The preamble of the claim would be better recited as "A computer implemented method" or simply "A method for automated authentication". The body of the claim would be better recited as "establishing an authentication record at the computer for a predicted transaction ...;". It is unnecessary to have computer throughout the other claim limitations in claim 45. It is recognized that the method is being performed on a computer in the preamble and the first claim limitation.

Claims 49, 51, and 55 appear to be system claims because the preamble combines two separate statutory classes of invention in a single claim. The preamble of claim 49 refers to a method and a computer-based data processing system, but the body of the claim discussed first a method (i.e. establishing a communication session),

and subsequently the claim then deals with the specifics of a system (ex. at the server).
Claims 51 and 55 have a similar problem.

Specification

8. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Some examples of improper idiomatic English are as follows: Page 1, line 10 recites "withdraw/deposit transaction environment ...". This line would be better recited as "withdraw/deposit in a transaction environment ...". Page 2, lines 2 and 7 recite "implementing the authentication stage of a financial transaction. A party ..." malfunction at the authentication stage of a financial transaction occurs ...". These lines would be better recited "implementing the authentication stage of financial transaction. A party ..." malfunction at the authentication stage of financial transaction occurs ...". Applicant is respectfully requested to review the Specification for other grammatical errors and misspelled words.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,991,750) Watson in view of (US 6,021,202) Anderson et al, hereafter Anderson.

As per claims 45 Watson teaches, A method for automated authentication, authorization and accounting for financial transactions, comprising: establishing an authentication record for a predicted transaction by a particular account holder, the predicted transaction having a predicted transaction amount and a transaction time parameter, and an authenticated transaction signature for presentation upon execution of the predicted transaction (col. 1, line 61-col. 2, line 21 and fig. 1); establishing an authorization record for a particular transaction indicating an actual transaction amount, an actual transaction time and a presented transaction signature (col. 2, lines 22-50, col. 3, lines 9-24, fig. 1, and fig. 2A); and reconciling the predicted transaction amount and the actual transaction amount for the particular account holder (col. 4, lines 19-34 and col. 12, lines 30-48).

Watson failed to teach, matching the authorization record with the authentication record to determine whether the presented transaction signature matches the authenticated transaction signature for the predicted transaction, the actual transaction amount matches the predicted transaction amount and the actual transaction time matches the transaction time parameter. Anderson teaches, matching the authorization record with the authentication record to determine whether the presented transaction signature matches the authenticated transaction signature for the predicted transaction, the actual transaction amount matches the predicted transaction amount and the actual transaction time matches the transaction time parameter (col. 6, lines 17-54). It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to match the authorization record with the authentication record to determine whether the presented transaction signature matches the authenticated transaction signature for the predicted transaction, the actual transaction amount matches the predicted transaction amount and the actual transaction time matches the transaction time parameter and to have modified the Watson patent with the teachings of the Anderson patent so as to have a secure manner of knowing that the signature on the document belongs to the account holder and is not fraudulent.

As per claim 46, Watson failed to teach, The method of claim 45, including: storing the authentication record in a database including a plurality of authentication records for other predicted transactions. Anderson teaches, storing the authentication record in a database including a plurality of authentication records for other predicted transactions (col. 38, line 62 –col. 39, line 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to store the authentication record in a database including a plurality of authentication records for other predicted transactions and to have modified the Watson patent with the teachings of the Anderson patent so as to have a collection of data (such as authentication records) stored on a computer storage medium that can be used for more than one purpose.

As per claim 47, Watson teaches, The method of claim 45, wherein the time parameter comprises a time value indicated when the authorization record was created (col. 9, line 50-col. 10, line 34)..

As per claim 48, Watson and Anderson failed to teach, The method of claim 45, wherein said matching includes determining whether the actual transaction time falls within a time interval indicated by the transaction time parameter, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the matching include determining whether the actual transaction time falls within a time interval indicated by the transaction time parameter and to modify in Watson because such a modification would allow Watson to have the account holders signature matched and validated prior to an expiration time for the authentication.

11. Claims 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,991,750) Watson and (US 6,021,202) Anderson et al, hereafter Anderson in view of (US 6,047,270) Joao et al, hereafter Joao.

As per claim 49, Watson and Anderson failed to teach, The method of claim 45, wherein establishing an authentication record includes: establishing a communication session between the particular account holder and a financial transaction server; at the server, accepting an account number and an identification number for the particular account holder; at the server, accepting the predicted transaction amount; at the server, producing the transaction signature. Joao teaches, wherein establishing an authentication record includes: establishing a communication session between the particular account holder and a financial transaction server (col. 61, lines 54-67 and col. 63, lines 5-29); at the server, accepting an account number and an identification number for the particular account holder (col. 67, line 39-col. 58, line 19); at the server, accepting the predicted transaction amount; at the server, producing the transaction

signature (col. 6, lines 40-52 and Fig. 20 (750). It would have been obvious to one having ordinary skill in the art at the time the invention was made to establish a communication session between the particular account holder and a financial transaction server; at the server, accepting an account number and an identification number for the particular account holder; at the server, accepting the predicted transaction amount; at the server, producing the transaction signature and to have modified the Watson patent with the teachings of the Joao patent so as to have the account holder to log onto the computer system to make a transaction.

As per claim 50, Watson teaches, The method of claim 49, including prompting the particular account holder to supply a combination of digits from a personal identification code, wherein the combination does not include all of the personal identification code (col. 8, lines 54-64).

As per claim 51, Watson and Anderson failed to teach, The method of claim 45, wherein establishing an authorization record includes: establishing a communication session between a party to the particular transaction and a financial transaction server; at the server, accepting the presented transaction signature and the actual transaction amount. Joao teaches, establishing an authorization record includes: establishing a communication session between a party to the particular transaction and a financial transaction server (col. 61, lines 54-67 and col. 63, lines 5-29); at the server, accepting the presented transaction signature and the actual transaction amount (col. 6, lines 40-52, col. 67, line 39-col. 68, line 19, and fig. 20 (750). It would have been obvious to one having ordinary skill in the art at the time the invention was made to establish an

authorization record including: establishing a communication session between a party to the particular transaction and a financial transaction server; at the server, accepting the presented transaction signature and the actual transaction amount and to have modified the Watson patent with the teachings of the Joao patent so as to have the account holder to log onto the computer system to make a secure transaction.

As per claim 52, Watson and Anderson failed to teach, The method of claim 51, including accepting identification of the party at the server. Joao teaches, including accepting identification of the party at the server (col. 6, lines 53-67, col. 7, lines 1-55 and fig. 20 (750)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to accept identification of the party at the server and to have modified the Watson patent with teachings of the Joao patent so as to know that the party is an authorized user of the system and is authorized to have access to the account.

As per claim 53, Watson teaches, The method of claim 52, including maintaining a list of authorized parties, and wherein said matching includes determining whether the identification of the party indicates a party in the list of authorized parties (col. 2, lines 22-33).

As per claim 54, Watson teaches, The method of claim 51, wherein said establishing an authorization record does not require identification of the particular account holder (col. 2, lines 51-58).

As per claim 55, this dependent claim is rejected for the similar rationale as given above for claims 49 and 50.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

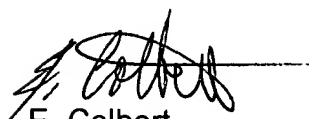
Sandberg-Diment (US 5,826,245) disclosed verification information being provided for a transaction.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


E. Colbert
Primary Examiner
February 15, 2006